

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

C&J ASSOCIATES PEST CONTROL,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 2:06CV884-MEF
)	WO
BOB RILEY, et al.,)	
)	
Defendants.)	

ORDER ON MOTION

Plaintiff has filed "Plaintiff's Motion for an Order and Instruction from the Magistrate Judge" (Doc. #48). In his motion he request that the court issue an order allowing him to engage in discovery prior to responding to defendants' motion to dismiss. "Facial challenges to the legal sufficiency of a claim or defense based on failure to state a claim for relief, should ...be resolved before discovery begins. *Moore v. Potter*, 141 Fed. Appx. 803, C.A. 11 (Fla.) 2005.

Plaintiff's motion therefore is DENIED.

DONE this 5th day of January, 2007.

/s/ Wallace Capel, Jr.
WALLACE CAPEL, JR.
UNITED STATES MAGISTRATE JUDGE